

C1 amended.

a hub having a downwardly depending flange at an outer periphery thereof, said hub having an inner shoulder to fit a magnetic disk and an outer shoulder to form a clearance between said magnetic disk and said downwardly depending flange on a top portion thereof, said hub rotatable relatively to said base member by means of a bearing means, said bearing means comprising a fluid bearing formed between said shaft and said hub;

a magnet is disposed on an inner peripheral surface of said downwardly depending flange to face with said stator; and

an outer diameter of said outer shoulder being larger than an outer diameter of said inner shoulder, an inner diameter of said magnet being larger than both outer diameter of said inner and outer shoulders.

REMARKS

Claims 4 and 6-8 are pending. By this Amendment, claim 4 is amended.

Reconsideration based on the above amendments and following remarks is respectfully requested.

The attached Appendix includes marked-up copies of each rewritten claim (37 C.F.R. §1.121(c)(1)(ii)).

I. The Claims Define Allowable Subject Matter

The Office Action rejects claims 4 and 6-8 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,397,971 to McAllister et al. (hereinafter "McAllister") in view of U.S. Patent No. 5,793,135 to Suzuki et al. (hereinafter "Suzuki"). This rejection is respectfully traversed.

McAllister in combination with Suzuki fails to disclose, teach or suggest the claimed invention. Specifically, the McAllister and Suzuki combination fails to disclose, teach or suggest a spindle motor for driving a magnetic disk comprising a base member having a boss

portion and a cylindrical wall portion, the boss portion, cylindrical wall portion and base member formed as a single-piece member.

Suzuki, at col. 2, line 55 - col. 3, line 43 and in Fig. 1, discloses that support shaft 25 is attached to base plate 20 through housing 22. The Office Action, at page 3, admits that Suzuki discloses this configuration. Thus, in Suzuki, the support shaft 25, a single piece, is attached to base plate 20, a second single piece, through housing 22, a third single piece. This is different than the claimed invention where the boss portion, cylindrical wall portion and base member are formed as a single piece member.

Thus, Applicant respectfully submits that, taken separately or together, McAllister and Suzuki do not teach or suggest the present invention as claimed in independent claim 4.

As required by M.P.E.P. §706.02(j), to establish a prima facie case of obviousness, these basic criteria must be met: (1) there must be some suggestion or motivation in the references themselves or in the knowledge generally available; (2) reasonable expectation of success; and (3) the prior art reference must teach or suggest all claim limitations.

The first and third requirements have not been met by the rejections of the Office Action. Neither McAllister nor Suzuki show any motivation to modify the structure to achieve the claimed invention, and the Office Action clearly admits that there is an essential part of the claimed invention missing in McAllister.

For at least these reasons, it is respectfully submitted that independent claim 4 is distinguishable over the applied art. Claims 6-8, which depend from claim 4, are likewise distinguishable over the applied art for at least the reasons discussed as well as for additional features they recite. Withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

II. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the Applicant's representative at the telephone number listed below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

George P. Simion
Registration No. 47,089

JAO:GPS/rle

Attachment:
Appendix

Date: July 18, 2002

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

| |
|--|
| <p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p> |
|--|